ACC-NAFRA Testimony on H.B 6806
Before the Connecticut Committee on Children
February 24, 2015

Co-chair Bartolomeo, Co-chairman Urban and members of the Committee on Children. My name is Robert J. Simon and I am here today representing the American Chemistry Council and its North American Flame Retardant Alliance[1].

We appreciate the opportunity to testify today and look forward to additional opportunities to provide information to the Legislature on the issues of fire safety and flame retardants.

I am speaking today in opposition to HB 6806, An Act Concerning Toxic Flame Retardants in Children's Products. My testimony today emphasizes four key points:

1. **Fire safety is a real issue and flame retardants are an important tool to help reduce fires, fire deaths and property damage.**
   - Fires have dropped significantly over the past 40 years and a major contributor to the decline in fires and fire deaths since the 1970s was the development of a comprehensive set of fire-safety measures that include flame retardants.
   - At the same time fire still represents a very real danger in the United States, with fire departments responding to a fire every 25 seconds. This is equally true for Connecticut where according to the latest data, fire agencies in Connecticut reported more than 12,000 fire incidents which resulted in 27 fire fatalities, over 120 civilian fire injuries and caused an estimated $48 million in property and content loss.[2]
   - One area of particular relevance to this Committee is the fire safety risk to children.
     - According to the U.S. Fire Administration's most recent annual data on fire risk to children 355 children younger than 15 died as a result of fires and 57 percent of all child fire deaths affected children age 4 or younger. Also, fire injuries affected an estimated 2,000 children in 2010 and 49 percent of child fire injuries occurred to children age 4 or younger.[3]
     - The U.S. Fire Administration most recent Fire Risk to Children Report emphasizes that as one might expect "very young children are typically dependent to some degree on others for their safety". "Escaping from a fire can be difficult for children. A child age 4 or under is usually too young to independently escape from a fire. Children of this age generally lack the mental faculties to understand the need and the means of quickly escaping from a burning structure"
   - Because of the danger of fire, NAFRA supports robust fire protection measures and multiple layers of protections to address the risk of fire, including flame retardants. Flame retardants have been proven effective in preventing fires or if a fire does occur slowing the fire's progression, giving individuals and families extra time to escape from potentially dangerous fire situations

2. **Flame retardants include a broad range of products with differing characteristics, structures and intended uses, so it is <u>not</u> appropriate to make broad conclusions or impose one-size fits all regulatory approaches for these substances.**
   - Flame retardants are added to or used to treat potentially flammable materials. The term "flame retardant" refers to a function, not a family of chemicals.
   - A variety of different chemicals, with different properties and structures, act as flame retardants. A variety of flame retardants is necessary because the materials that need to be made fire-resistant are very different in their physical nature and chemical composition as are the end-use performance requirements of the final product.
   - It is important to note that flame retardants are not readily interchangeable. Their areas of application are often specific and substitution can be difficult.

- This bill would broadly group and restrict all flame retardants even those that haven't even been developed yet without any consideration of their safety or risk.

3. Flame retardants are reviewed for their safety.

- In the U.S., more than a dozen federal laws govern the safe manufacture and use of chemicals. Flame retardants on the market today, like all chemicals, are subject to review by the U.S. Environmental Protection Agency (EPA) and other national regulatory agencies around the world.
- Furthermore, flame retardant manufacturers continue to innovate to develop new products that reduce the incidents of deadly fires while enhancing their environmental, health and safety profile. New developed substances are subject to rigorous evaluation before they can be manufactured commercially. In the U.S. this includes requirements for companies to submit "pre-manufacture notices" to the EPA with information on physical/chemical characteristics, any available health or environmental effects data, and anticipated use and exposure information, including any information on potential byproducts and disposal. As part of this process, the EPA can prohibit the manufacture of the new substance entirely, impose restrictions on its use, or require additional testing at any time.
- This bill would restrict a broad range of substances, including substances that government authorities (e.g., US, Canada, European Union) have determined do not present a significant risk to human health or the environment.

4. The U.S. Environmental Protection Agency (EPA) is currently conducting an updated review of key flame retardants.

- Under its Work Plan Chemicals Program, EPA is conducting updated assessments of over 70 flame retardants. As part of this process, industry has provided data and testing information to help inform the Agency's reviews.
- Given that these assessments, which are intended to assess specific uses and exposure information, are already underway, we think it would be important for Connecticut to consider this information as it assesses flame retardants and before it takes any action on these substances.

Conclusion

- In conclusion, ACC and the North American Flame Retardant Alliance support a strong and transparent regulatory system that provides both strong fire protection and chemical safety.
- We urge you to consider this information and oppose any restrictions on flame retardants that are not grounded in science.

[1] NAFRA members include Albemarle Corporation, Chemtura Corporation/Great Lakes Solutions, and ICL Industrial Products who manufacture brominated and other flame retardants used in a wide variety of industrial and consumer applications.

[2] Connecticut Department of Public Safety

[3] U.S. Fire Administration Annual Fire Statistics 2011 and Fire Risk to Children Report, 2010